

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MELANIE F. AVERY,

Plaintiff,

v.

DECISION AND
ORDER
13-CV-662A

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 2, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that the defendant's motion for judgment on the pleadings (Dkt. No. 17) be denied and plaintiff's motion for similar relief in her favor (Dkt. No 12) should be granted. Magistrate Judge Scott further recommended that the decision of the Commissioner be reversed, and that the matter be remanded for further administrative proceedings.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the decision of the Commissioner is reversed and this matter is remanded for further administrative proceedings. The Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is

granted, and the Defendant's motion for similar relief in her favor (Dkt. No 17) is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 8 , 2014